

CONSERVATION STRATEGY

M e m o r a n d u m

Date: August 26, 1998

To: BDAC Members

From: Lester A. Snow, Executive Director
CALFED Bay-Delta Program

Subject: Conservation Strategy Update



Background and Purpose

The CALFED Bay-Delta Program's Conservation Strategy Team, consisting of staff from CALFED, National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), Department of Fish and Game (DFG), and the State Attorney General's Office, is in the process of preparing the CALFED Conservation Strategy. The Conservation Strategy Team is assisted by a group of stakeholders (see attached). Technical documents are then provided for review and comment to the Ecosystem Restoration Work Group and other interested parties.

The Conservation Strategy will address all federally and state listed, proposed, and candidate species that may be affected by the CALFED Program; other species identified by CALFED that may be affected by the Program and for which adequate information is available also will be addressed in the Strategy. The term "covered species" is used to refer to all of the species that will be addressed by the Strategy.

The Conservation Strategy, when completed, will provide the framework for compliance with the Federal Endangered Species Act, the California Endangered Species Act, and the Natural Community Conservation Planning Act, and ensure that the overall CALFED Program conserves, recovers, or assists in recovery of species and habitats covered under the Conservation Strategy. The Strategy is intended to integrate CALFED enhancement programs (ERP and Ecosystem Restoration Coordination) and mitigation actions to provide for improved species and habitat protection, increase assurances of overall Program implementation and provide a process for streamlining California and Federal ESA authorization of incidental take of covered species during Stage 1 implementation. Incidental take is take that results from, but is not the purpose of, an otherwise lawful activity.

CALFED Agencies

California

- The Resources Agency
- Department of Fish and Game
- Department of Water Resources
- California Environmental Protection Agency
- State Water Resources Control Board

Federal

- Environmental Protection Agency
- Department of the Interior
- Fish and Wildlife Service
- Bureau of Reclamation
- U.S. Army Corps of Engineers

- Department of Agriculture
- Natural Resources Conservation Service
- Department of Commerce
- National Marine Fisheries Service

The Conservation Strategy will not in and of itself provide take authorization. It will, however, provide the necessary biological information, impact analysis and programmatic conservation measures, that in combination with project specific details will lead to take authorization through one or more of the regulatory mechanisms provided by the Federal ESA, the California ESA, and/or the Natural Community Conservation Planning Act.

The complexity of the CALFED Program contributes to the need for staged implementation. The staging plan, with the linkages that we are now developing, should reinforce Program ecosystem restoration goals. Since failure to meet objectives in one Program element may preclude implementation of linked elements, all participants share an interest in successfully meeting the objectives of each element. The staging plan allows the documentation which will tier from the programmatic Conservation Strategy, to focus initially on providing the necessary take authorization for Stage 1 actions, while further refining the Strategy for actions that will take place in later stages.

Strategy Content

The Conservation Strategy Team has completed an outline that will serve as the Table of Contents for the programmatic Conservation Strategy. The team is also developing a data base which will be used to store and track information on species and habitat, CALFED program actions, the beneficial and detrimental effects of those actions on the species, and mitigation and monitoring needs. The analysis of the information stored in the database will be presented in the completed Conservation Strategy in tabular form. These tables will support the text in the body of the Conservation Strategy.

1. Database

- A list of species that will either be covered in the Conservation Strategy or will be considered for coverage.
- CALFED regions and ecological zones, with a list of the species that occur in each region and zone.

Conservation Strategy Update

August 26, 1998

Page Three

- Species information, such as legal status, historical and current distribution, population status, habitat requirements, designated critical habitat, life history, reasons for decline, current conservation efforts (planned or completed) that are not part of the CALFED Program, recovery goals or requirements (to the extent known), and research or monitoring data gaps.
- CALFED's goal for the species. The CALFED Program objectives include supporting sustainable populations of plant and animal species in the Bay-Delta. Thus, for some listed species, the goal is to *achieve recovery*. For others, particularly those species which are not wholly dependent on the Delta, the goal will be to *contribute to their recovery*. For other special status species, CALFED's goal will be to *maintain* the species at or above current population levels.
- Habitat types used by the species.
- Program actions, as identified in the Common Programs and the preferred alternative (once selected).
- The effects of each of the actions (beneficial, neutral, and adverse) on each of the species and/or habitats.
- A list of potential conservation measures which would: (1) minimize adverse effects to species from the system as it is currently operating and will operate in the future; (2) maximize beneficial effects; and (3) mitigate (compensate), when necessary, for unavoidable adverse effects. Information developed in this category may be used to refine the ERPP, as well as to identify strategies to be used with other Program components.

2. Table of Contents

Executive Summary

Chapter 1: Introduction

- 1.1 Background/Purpose and Need of Conservation Strategy
- 1.2 Changes Since March 1998 Draft PEIS/EIR
- 1.3 Geographic Area Addressed in Conservation Strategy
- 1.4 Species and Habitat Goals

- 1.5 Relationship of Conservation Strategy to ERP/Strategic Plan and other CALFED Programs
- 1.6 Compliance with California and Federal Endangered Species Acts
- 1.7 Relationship of Compliance under Conservation Strategy to other CALFED Regulatory Compliance
- 1.8 Staging of CALFED Actions

Chapter 2: Species and Habitats Addressed in Conservation Strategy

- 2.1 Process of Identifying Covered Species
- 2.2 Species Addressed in Conservation Strategy and their Legal Status
- 2.3 Habitat Types/Natural Communities Addressed in Conservation Strategy
- 2.4 Identification of Target Species for NCCP Purposes

Chapter 3: Description of Program Actions that May Affect Covered Species and Habitats

- 3.1 Programs and Associated Actions
 - 3.1.1 Ecological Restoration Program
 - 3.1.2 Levee Program
 - 3.1.3 Water Quality Program
 - 3.1.4 Water Use Efficiency Program
 - 3.1.5 Watershed Management Program
 - 3.1.6 Water Transfer Framework
 - 3.1.7 Storage, Conveyance, and Operation

Chapter 4: Effects of Actions on Species and Habitats

- 4.1 Method of Analysis
- 4.2 Summary of Beneficial and Adverse Effects
 - 4.2.1 Summary of Anticipated Levels of Take
 - 4.2.2 Effects of Take
- 4.3 Indirect Effects
- 4.4 Non-CALFED Projects that May Affect Species (Cumulative Effects)

Chapter 5: Biological Goals and Objectives of Conservation Strategy

- 5.1 General Approach
- 5.2 Species Goals (should be measurable to extent possible)

Conservation Strategy Update

August 26, 1998

Page Five

5.2.1 Recovery

5.2.2 Contribute to Recovery

5.2.3 Maintain

5.3 Objectives (explicit targets for achieving goals)

5.4 Overall Conservation Goals for Area Addressed by Strategy (for NCCP Purposes)

5.5 Principles of Conservation Biology Used in Formulating Conservation Measures
(for NCCP Purposes)

Chapter 6: Conservation Measures

6.1 Measures to Maximize Beneficial Effects

6.2 Measures to Minimize Adverse Effects

6.3 Measures to Compensate for Unavoidable Adverse Effects

6.4 Compatible Uses/Activities Within Conserved Areas (for NCCP Purposes)

Chapter 7: Overall Effect of Program, Including Conservation Measures, on Species and Habitats

7.1 Overall Effects on Species and Habitats

7.2 Level of Certainty

Chapter 8: Monitoring and Reporting

8.1 Monitoring Implementation of Actions and Effects of Actions on Species/Habitats

8.2 Monitoring Conservation Measures and Biological Goals

8.3 Reporting

Chapter 9: Uncertainty, Flexibility, and Adaptive Management in the Conservation Strategy

9.1 Adaptive Management

9.2 Uncertainty and Flexibility

Chapter 10: Funding

Chapter 11: Implementation

11.1 Implementation of Conservation Strategy

11.1.1 Schedule/Staging/Priorities

11.1.2 Implementation Responsibility and Oversight

Chapter 12. Permitting Framework for Staged Implementation

12.1 Process for Obtaining Take Authorization

12.1.1 Federal ESA Compliance

12.1.2 California ESA, Natural Community Conservation Planning, and California Fish and Game Code Compliance

Chapter 13. Amending of Conservation Strategy

APPENDICES

Appendix A: List of Species Considered for Coverage in the Conservation Strategy

Appendix B: Habitat Classification and Crosswalks to Other Classification Schemes

Appendix C: Species x Habitat Matrix

Appendix D: Species Accounts/Information

Appendix E: List of Program Actions for Each Program

Appendix F: Species Effects and Conservation Measures Tables

Appendix G: Checklist for Compliance under the Conservation Strategy for Staged Implementation

Key Issues to Address

- Ensuring that the Conservation Strategy content supports ESA/CESA required findings and determinations.
- Ensuring that the Conservation Strategy will provide an adequate framework for take authorization needed for Stage 1 actions.
- Coordinating with CMARP to ensure that the monitoring and research needs of the Conservation Strategy are included in the rest of the Program.

Conservation Strategy Update
August 26, 1998
Page Seven

- Coordinating with the Assurances Work Group to ensure that adequate and feasible (biologically and legally) assurances are reached.